IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 2ND JANUARY 2007 / 12TH POUSHA, 1928

Crl.MC.No. 4101 of 2006()

AGAINST THE JUDGEMENT/ORDER IN BA..5367/2006 Dated 27/09/2006
CRIME NO.324/06 OF ADOOR POLICE STATION.

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PETITIONER: 3RD ACCUSED

SANAFER, S/O.SHAHUL HAMEED,
CHERUTHETTAYIL, KANAMKODU,
ADOOR TALUK.

BY ADV. SRI.P.H.SHAJAHAN
SRI.P.A.MOHAMMED SHAH

RESPONDENTS: COMPLAINANT AND STATE

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1. STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
ADOOR POLICE STATION, ADOOR.

BY P.P. SRI.K.A. AKBAR.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 02/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 4101 OF 2006

Dated this the 2nd day of January, 2007

ORDER

The petitioner, who faces allegations under Secs.489(B) and (C) read with Sec.34 of the IPC, was enlarged on bail subject to conditions as per the order dated 27/9/2006 in B.A.No.5367/06 by this Court. The conditions oblige him to appear before the Investigating Officer on all Mondays and Fridays until further orders and not to leave the Sessions Division of Pathanamthitta without prior permission of the learned Magistrate.

2. The learned counsel for the petitioner submits that a period of more than three months has elapsed from the date of the order. The petitioner had surrendered earlier before the learned Magistrate on 27/7/06. In these circumstances, the said conditions which are unnecessarily onerous now may be deleted. It is further pointed out that the investigation is being conducted by the CB CID and the petitioner is now obliged to appear before the Investigating Officer at

Thiruvananthapuram.

3. This application is opposed by the learned Public Prosecutor who submits that the investigation is not complete yet. He further submits that the co-accused has not been arrested so far and the deletion of the conditions now is likely to cause great hardship and difficulties to the petitioner.

4. Having considered all the relevant inputs, I am satisfied that the prayer for modification of the conditions can be considered favourably. Appropriate conditions can now be imposed in the interests of a proper and efficient investigation.

5. In the result:

(i) This Crl.M.C. is allowed in part.

(ii) Condition No.(iii) is deleted. Condition No.(ii) is modified and it is directed that the petitioner shall appear before the Investigating Officer on the 1st and 3rd Mondays of all English calendar months between 10 a.m and 12 noon.

Sd/-

(R. BASANT, JUDGE)

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//true copy// P.S. To Judge